

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re:

CIRCUIT CITY STORES, INC., et. al.,

Debtors.

**DECLARATION AND RESPONSE BY
CLAIMANT CITY OF SAN RAFAEL TO
LIQUIDATING TRUST'S THIRTY-
FIRST OMNIBUS OBJECTION TO
CLAIMS, WITH RESPECT TO CITY OF
SAN RAFAEL CLAIM NO. 2000566701**

CASE NO. 08-35653 (KRH)

Declarant VICTOR GASSER, on behalf of Claimant City of San Rafael, a municipality in the State of California, hereby files this Declaration and Response to the objection by the Liquidating Trust to the City of San Rafael's claim, as follows:

1. Declarant is a Business License Examiner in the Finance Department of the City of San Rafael, a municipality in the State of California.

2. San Rafael Municipal Code Sections 8.20.160 and 8.20.165, copies of which are attached as Exhibit "A", of which the City asks the Court to take judicial notice, provide that a protected area alarm shall constitute a public nuisance if it actuates three (3) or more false alarms in any calendar year, and that in the case of such nuisance false alarms the owner or lessee is responsible for the City's false alarms response fees as set forth in the City's Master Fee Schedule adopted by City Council resolution.

3. The City Council of the City of San Rafael, on December 19, 2005, by Resolution No 11871, adopted its Master Fee Schedule, which included a fee for "false alarm responses" in the amount of \$50 for the 3rd false alarm response, \$100 for the 4th false alarm response, and \$200 for the 5th and subsequent false alarm responses, as evidenced by copies of that Resolution and Table 1, page 3, to such Master Fee Schedule, attached as Exhibit "B", of which the City asks this Court to take judicial notice.

4. Circuit City Stores, Inc. obtained an alarm permit (Permit #3149) from the City of San Rafael Police Department for an audible alarm at its store at 330 Bellam Blvd., San Rafael, CA, as evidenced by the enclosed Exhibit "C".

1 5. Circuit City Stores, Inc.'s store at 330 Bellam Blvd., San Rafael, had nineteen (19) false
2 alarms in calendar year 2006, incurring false alarm fees for false alarm numbers 3-19, for a
3 total of \$3,150 in fees, per the Master Fee Schedule, as evidenced by the attached Exhibit "D".

4 6. The City of San Rafael billed Circuit City for these 2006 false alarm fees totaling \$3,150, as
5 evidence by the attached Exhibit "E", but no payment has ever been made to the City.

6 7. The City Council of the City of San Rafael, on June 4, 2007, by Resolution No. 12269,
7 adopted a revised Master Fee Schedule, which included a fee for "false alarm responses" in the
8 amount of \$97 for the 3rd and subsequent false alarm responses, as evidenced by copies of that
9 Resolution and Table 1, page 3, to such Master Fee Schedule, attached as Exhibit "F", of which
10 the City asks this Court to take judicial notice.

11 8. Circuit City Stores, Inc.'s store at 330 Bellam Blvd., San Rafael, had three (3) false alarms in
12 calendar year 2007, incurring false alarm fees for false alarm number 3, for a total of \$97 in fees,
13 per the revised Master Fee Schedule, as evidence by attached Exhibit "G".

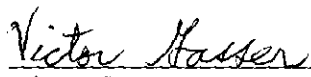
14 9. The City billed Circuit City for these 2007 false alarm fees totaling \$97, as evidenced by
15 attached Exhibit "H", but no payment has ever been made to the City.

16 10. The City submitted its claim herein for \$3,247 in false alarm fees, by claim dated 1/13/09.


17 The undersigned Declarant asks the Court to overrule the Objection and sustain the City's claim
18 for these false alarm fees. The undersigned can be contacted for resolution of the City's Claim, at
19 the Claimant's address, at San Rafael Finance Department, P.O. Box 151560, 1400 5th Avenue,
20 Room 204, San Rafael, CA 94915-1560, facsimile 415-459-2242, and telephone number 415-
21 485-3058.

22 I declare that the foregoing is true and correct, under penalty of perjury under the laws of the State
23 of California.

24 Dated: April 30, 2012.


Victor Gasser
Business License Examiner
Finance Department
City of San Rafael

25 Attest:

26 
27 Esther C. Beirne
28 Clerk, City of San Rafael

Chapter 8.20

**INTRUSION DETECTION AND/OR BURGLAR
ALARM AND FIRE ALARM SYSTEMS**

Sections:

8.20.010	Definitions.
8.20.020	Chief of police—Power to regulate.
8.20.030	Devices terminating at city facilities.
8.20.040	Reporting telephones prohibited.
8.20.050	Similar to sirens—Unlawful.
8.20.060	Direct leased telephone line.
8.20.070	Installation and maintenance costs.
8.20.080	Unlawful equipment.
8.20.090	Installation permit.
8.20.100	Fee exemptions.
8.20.110	Operations.
8.20.120	Audible alarm.
8.20.130	Responsibility for alarm.
8.20.140	Multiple occupancy.
8.20.150	Multiple subscribers.
8.20.160	False alarm—Public nuisance when.
8.20.165	False alarm response fee.
8.20.170	Suspension or revocation.
8.20.180	Administration and regulations.
8.20.190	Violations.
8.20.200	Appeals.
8.20.210	Fees.

8.20.010 Definitions.

The following definitions shall apply:

(a) "Alarm agent" means any person who is employed by an alarm business, either directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, or installing on any building, place, or premises an alarm system in the city.

(b) "Alarm business" means any firm, partnership, corporation, or any other person, persons, or entities engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, maintained, serviced, repaired, altered, replaced, moved, or installed, an alarm system in or on any building, place, or premises in the city.

(c) "Alarm monitor" means any person employed to monitor intrusion detection devices or fire alarms.

(d) Alarms.

(1) "Audible alarm" means any intrusion detection device alarm or fire alarm which, when activated, sounds on the premises where the alarm has been installed.

(2) "Silent alarm" means any intrusion detection device alarm or fire alarm which, when activated, sounds a bell or buzzer and/or turns on a light at a predesignated place, other than the location where the alarms have been installed.

(e) "Direct leased telephone line/private secondary telephone line" means a telephone installation which allows communication between two points. Said installation shall have no dialer, disallowing calls to any other telephone installation. Said installations shall be equipped with either a bell or buzzer and a light at both ends which are activated when the line is opened on either side. Said lights and bells or buzzer shall turn off when both ends of the line are closed.

(f) "False alarm" means an alarm signal necessitating response by the police department where an emergency situation does not exist.

(g) "Intrusion detection device" means any alarm system, whether audible or silent, which is designed and installed to prevent the undetected intrusion of any person or thing into any building or area.

(h) "Owner" or "lessee" means the person, firm, business, corporation, or other entity for whose benefit the intrusion detection device or fire alarm system is installed.

(i) "Protected area" means any area, building or structure equipped with an alarm device or system.

(j) "Reporting telephones" means any intrusion detection device which, when activated, causes, either mechanically, electronically or by any other automatic means, intrastate dialing of any telephone number and then transmits a prerecorded message. (Ord. 1260 § 2 (part), 1977).

8.20.020 Chief of police—Power to regulate.

The chief of police may limit the number of approved intrusion detection devices terminating directly into the police department when, in his judgment, such devices would interfere with the effective or efficient operations of the police department. The chief shall also have the power to make and enforce such rules and regulations as may, in his discretion, be necessary to implement the provisions of this section. Any devices now terminating directly into the police department which, in the determination of the police chief, interfere with normal police functions shall be removed. (Ord. 1260 § 2 (part), 1977).

such privilege in writing to the chief of police. The communications superintendent shall approve such application if he finds that:

(a) The termination of such telephone line will constitute no hindrance to regular city activities;

(b) The person seeking the termination agrees that no messages will be telephoned on said line except by an agent of his with access to customer files; and

(c) There is sufficient space and/or incoming lines to accommodate such installations;

(d) Facilities and operational standards meet the following requirements:

(1) Facilities standards:

(A) The room or rooms where the service is performed and immediately adjacent room(s) and halls must have a fire detector in each room and each hall to sound local alarm in the room where the service is performed;

(B) Shall have one ten-pound or larger portable fire extinguisher of a type suitable for use on electrical apparatus. One shall be located inside the room(s) where the service is performed;

(C) The room(s) where the service is performed shall have automatic emergency lighting to an extent that a normal level of service may continue to be performed;

(D) Shall have in the room(s) where service is performed, an accurate clock;

(E) Locks. Entrance(s) to room or rooms where service is performed shall be kept locked at all times and so arranged that positive identification can be made of person(s) seeking admittance before unlocking the door.

(2) Operational standards:

(A) A sufficient number of operators must be on duty constantly to assure that all alarms from any intrusion detection device or fire alarm be relayed immediately to the department concerned;

(B) As soon as possible after notification of the Department concerned, the operator on duty shall notify the alarm company responsible for the alarm;

(C) Shall keep a written or printed record of all alarms, trouble, and other signals and who was notified;

(D) Alarms from intrusion detection devices and fire alarms shall be treated with the highest priority, and the relaying of such alarms to the department concerned shall take precedence over all other operations;

(E) All AC and/or DC power required at alarm monitoring premises to receive alarm signals and relay alarm signals shall have in addition no less than eight (8) hours of standby power with immediate automatic switchover from main power source to standby power source;

(F) When the service of receiving, relaying, or monitoring alarm signals is disrupted by fire, storm, or any

other cause, the alarm monitoring firm shall be responsible for notifying its customers as quickly as possible that protection is no longer being provided and the expected time, if known, of resumption of service. Such notice shall be promptly confirmed by letter. (Ord. 1260 § 2 (part), 1977).

8.20.070 Installation and maintenance costs.

All costs and recurring charges incurred in the installation and maintenance of such a private secondary telephone line shall be borne by the person requesting the termination. (Ord. 1260 § 2 (part), 1977).

8.20.080 Unlawful equipment.

In addition to any other remedy provided by law, the communications superintendent or fire chief may, whenever he has knowledge of the use of any device or attachment not operated or maintained in accordance with the provisions of this chapter, order the removal of such device or attachment or such line termination to which such device or attachment is connected. Proper written notice shall be given to all persons concerned. (Ord. 1844 § 1 (part), 2006; Ord. 1260 § 2 (part), 1977).

8.20.090 Installation permit.

It is unlawful for any person to cause to be installed, serviced, maintained, repaired, replaced, moved or removed, in or on any building within the city, intrusion detection devices or fire alarm systems unless such firms, corporations, partnerships, persons, or entities have first obtained a valid permit therefor, and for which a fee shall be charged. (Ord. 1260 § 2 (part), 1977).

8.20.100 Fee exemptions.

The United States government, the state of California, counties, municipal corporations, departments thereof and other governmental entities are exempt from fees required in Section 8.20.210.

Upon the installation of any intrusion detection device or fire alarm system, the person so installing said system shall notify the appropriate agency, i.e., either the police department or the fire department in writing of the name of the person for whom the installation was made, the address and the telephone number thereof. (Ord. 1260 § 2 (part), 1977).

8.20.110 Operations.

It shall be the responsibility of the seller or lessor to instruct and reinstruct his subscriber and/or the occupant of the premises wherein the system is installed in the proper use and operation of the device or alarm, whether silent or audible, including specifically all necessary in-

8.20.190 Violations.

Any person who violates any of the provisions of this chapter, including any person or establishment that installs an alarm without first obtaining a permit, is guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than two hundred dollars. (Ord. 1549 § 2 (part), 1988; Ord. 1260 § 2 (part), 1977).

8.20.200 Appeals.

Chapter 14.84 shall apply to all appeals regarding actions taken under this chapter. Appeals from the chief of police and/or city manager shall follow the procedure set forth in Section 14.84.020. (Ord. 1260 § 2 (part), 1977).

8.20.210 Fees.

A reasonable fee, payable to the city's finance department, shall be charged for any and all permits required to be issued under this chapter. The amount of these fees shall be set by the chief of police and subject to review by the city council.

Any alarm system in existence, with a valid permit, as of July 6, 1977, shall not be charged an installation fee. This provision does not invalidate the requirement of obtaining an installation permit. (Ord. 1549 § 2 (part), 1988; Ord. 1260 § 2 (part), 1977).

Chapter 8.30

VEHICLES USED FOR HUMAN HABITATION

Sections:

8.30.010	Definitions.
8.30.020	Use of vehicle for human habitation prohibited—Exception.
8.30.030	Violations—Infraction.

8.30.010 Definitions.

The following terms shall have the meanings set forth in this section:

(1) "Camper" is a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes. A camper having one axle shall not be considered a vehicle.

(2) "House car" is a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. A motor vehicle to which a camper has been temporarily attached is not a house car, except that a motor vehicle equipped with a camper having an axle that is designed to support a portion of the weight of the camper unit shall be considered a three (3)-axle house car regardless of the method of attachment or manner of registration. A house car shall not be deemed to be a motor truck.

(3) "Motor vehicle" is a vehicle which is self-propelled.

(4) "Motor truck" is a motor vehicle designed, used or maintained primarily for the transportation of property.

(5) "Passenger vehicle" is any motor vehicle, other than a motor truck, truck tractor, or motorcycle, used or maintained for the transportation of persons.

(6) "Station wagon" is a dual purpose vehicle designed for the transportation of persons and also designed in such a manner that the seats may be removed or folded out of the way for the purpose of increasing the property, carrying space within the vehicle. The term includes, but is not limited to, types of vehicles which carry the trade names of station wagon, estate wagon, town and country wagon, and country sedan.

(7) "Trailer" is a vehicle or movable structure constructed, designed and intended for use, used or capable of being used, as a residence, place of abode, domicile or shelter or enclosure for human habitation, whether mounted permanently upon a moveable chassis, whether

RESOLUTION NO. 11871

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN
RAFAEL ESTABLISHING A NEW MASTER FEE SCHEDULE FOR
SERVICES PROVIDED BY THE VARIOUS CITY DEPARTMENTS AND
FOR LICENSING AND SERVICES BY THE ANIMAL SERVICES
AGENCY, AND RESCINDING RESOLUTION NO. 11670.**

WHEREAS, the City of San Rafael has conducted an analysis of its services, the costs reasonably borne, the beneficiaries of those services, and the revenues produced by those paying fees and charges for special services; and,

WHEREAS, the City wishes to comply with both the letter and the spirit of Article XIII B of the California Constitution and limit the growth of taxes; and

WHEREAS, the City desires to establish a policy of recovering the full costs reasonably borne of providing special services of a voluntary and/or limited nature, such that general taxes are not diverted from general services of a broad nature and thereby utilized to subsidize unfairly and inequitably such special services; and

WHEREAS, it is the intention of the City Council to develop a revised schedule of fees and charges based on the City's budgeted and projected costs reasonably borne; and

employee Memorandum of Understanding for the period commencing July 1, 2004. Only those fees that increased by a minimum of one dollar (\$1.00), based upon the CPI-U change, have been adjusted. Fees marked with "#", and subject to change, have been rounded down to the nearest whole dollar, and include flat-based fees, deposits for service, and the calculation of fully burdened hourly rates for billable staff time.

Section 2. Separate Fee for Each Service

All fees set by this resolution are for each identified service; additional fees shall be required for each additional service that is requested or required. Where fees are indicated on a per unit of measurement basis, the fee is for each identified unit or portion thereof within the indicated ranges of such units.

Definitions and implementation procedures regarding the fees set forth herein shall be as stipulated in Chapter 3.34 of the San Rafael Municipal Code.

Section 3. Basis of Charges

The Council finds and determines that the charges imposed by this resolution are necessary to cover the costs of providing the specified services, and that such charges do not exceed the reasonable costs of providing said services.

Municipal Code becomes effective, and shall be subject to the terms and conditions of said amended Chapter 3.34, except for the fees and charges, identified as building and planning related services, 05.01 through 05.06, 10.00 through 10.14 and 11.01 through 11.09 as defined in Table 1 attached hereto, which shall become effective within 60 days of the effective date of Ordinance No. 1839.

Section 9.

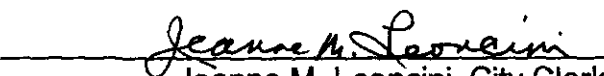
The adoption of this Resolution, including the fees and charges provided herein, is statutorily exempt from the California Environmental Quality Act under Public Resources Code Section 21080(b)(8), as the establishment and modification of charges by a public agency to meet operating expenses.

I, Jeanne M. Leoncini, City Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on the 19th day of December, 2005, by the following vote, to wit:

AYES: COUNCILMEMBERS: Cohen, Heller, Miller, Phillips & Mayor Boro

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Jeanne M. Leoncini, City Clerk

SAN RAFAEL POLICE/FIRE DEPARTMENT

Date of Application

12/15/87

PAID 1-15-88

PURSUANT TO SECTION 8.20.060 & 8.20.090

APPLICATION FOR DIRECT LEASED TELEPHONE LINE, INTRUSION DETECTION DEVICE, OR FIRE ALARM INSTALLATION.

Name of Business or Resident:

CIRCUIT CITY STORES, INC.

Business Phone:

(415) 453 7400

Home Phone:

SAME

Date Alarm Installed

11/11/87

Address Where Alarm to be Installed

330 BELLAM BLVD. SAN RAFAEL

New Alarm

☒

Existing Alarm

Name of Alarm Company

TRANSBAY SECURITY

Phone

(415) 930-6097

Installer's Name

MARK BARRETT

Type of Alarm Installed:

Audible

☒

Silent

Sonic

Other

If alarm is designed for use as a panic or holdup alarm, indicate all methods in which alarm may be activated, i.e. foot pedal, counter button, safe touch system, etc.

NONE

Indicate all locations on premises where alarm may be activated.

ALL ENTRY DOORS, ROLL-UP DOORS, TRASH COMPACTOR DOOR +
MOTION SENSORS

Provide at least two alternative responsible people to notify in case alarm is activated.

1. Name: ED BRADLEY

Phone: (415) 491-4110

Address:

310 CHANNING WAY SAN RAFAEL 94903

2. Name: SUSAN SPITZER

Phone: (415) 751-2614

Address:

291 2TH AVE S.F. 94121

Comments:

Please notify the Police/Fire Department should

Permit #

3149

owner # 565

SRPD F-68 (Revised 2-5-82)

Exhibit "C"



Mark Spaulding
Operations Manager

970 Bellam Blvd. San Rafael, CA 94903



**Alarm
Permits**

Year:
2006



View Alarm Permit

[Process Payment](#)

[Billing Dispute](#)

[Edit Permit](#)

[Printing History](#)

[Delete Permit](#)

Alarm Permit:

Alarm Owner:

Permit# 3149 **Permit Date** 12/15/1987 **Permit Name** Circuit City Stores, Inc. **Permit Address** 330 Bellam Blvd

Name Circuit City Stores, Inc. **First Name** Attn: STS Dept.

Active Y **Billable** Y **Paid** Y **Business** - **Alarm Type** - **Silent** - **Alarm Company** -

Billing Address 9954 Mayland Dr. **City** Richmond **State** VA **Po** 23

Permit Notes

2/5/07 Rec'd call from Danielle in corporate, gave correct billing address PCR353
2/13/07 Rec'd ck#0000384316 \$2500 for all 2004/2005 alarms PCR353
4/18/07 Rec'd ck#0000393907 \$150 false alarms PCR353
5/22/07 Rec'd ck#0000398224 \$400 false alarms PCR353

Owner Notes

RIMS Permit Info:

ALARMNUM	NAME	ADDRESS	APT	PHONE	ALARMCO	ALARMTEL	PERMITDA
3149	CIRCUIT CITY STORES, INC.	330 BELLAM BLVD		453-7400	TRANSBAY SECURITY	930-6097	

Billing :

Imported Incident List

Item	Charge	Status	Status Date	INCNUM	RIMS	DATE	TIME	TYPE	D1	LOCATION	PI
False Alarm #1	\$0.00	Notified	02/22/2006	1060127154	Fetch	01/27/2006	23:24:56	459AA	FA	330 BELLAM BLVD	C C S IN
False Alarm #2	\$0.00	Notified	02/22/2006	1060128121	Fetch	01/28/2006	23:00:04	459AA	FA	330 BELLAM BLVD	C C S IN
Non-Billable Alarm	\$0.00	N/A		1060130009	Fetch	01/30/2006	02:24:43	459AA	FA	330 BELLAM BLVD	C C S IN
False Alarm #3	\$50.00	Second Notice	06/06/2006	1060203006	Fetch	02/03/2006	02:35:19	459AA	FA	330 BELLAM BLVD	C C S IN
False Alarm #4	\$100.00	Second Notice	06/06/2006	1060301058	Fetch	03/01/2006	12:19:24	459AA	FA	330 BELLAM	C C

Exhibit "D"

										BELLAM BLVD	C S IN
False Alarm #16	\$200.00	Second Notice	01/03/2007	1060924027	Fetch	09/24/2006	04:06:58	459AA	FA	330 BELLAM BLVD	C C S IN
Non-Billable Alarm	\$0.00	N/A		1061012050	Fetch	10/12/2006	10:18:39	459AA	AX	330 BELLAM BLVD	C C S IN
False Alarm #17	\$200.00	Second Notice	01/03/2007	1061012100	Fetch	10/12/2006	15:30:13	459AA	FA	330 BELLAM BLVD	C C
False Alarm #18	\$200.00	Second Notice	01/03/2007	1061017014	Fetch	10/17/2006	07:11:50	459AA	FA	330 BELLAM BLVD	C C S IN
False Alarm #19	\$200.00	Second Notice	01/03/2007	1061018129	Fetch	10/18/2006	19:22:47	459AA	FA	330 BELLAM BLVD	C C S IN

Total Charges: \$3,150.00
Total Payments: \$0.00
Balance Due: \$3,150.00

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COPY

January 03, 2007

BILLING PAST DUE

Circuit City Stores, Inc.
330 Bellam Blvd
San Rafael, CA 94901

Permit #3149
Circuit City Stores, Inc.
330 Bellam Blvd

Notice of BILLING PAST DUE for Permit #3149

This letter is to notify you that on the below listed dates your alarm was activated. The San Rafael Police officer(s) that responded determined these incidents were false alarms. For more information about false alarms, please read the attached information.

Alarm notifications account for nearly ten percent of all calls for police service. Fewer false alarms translate into more effective police service. Please remember that you, the alarm owner, are responsible for false alarms. Whether the alarms are caused by employee/family error, system malfunction, or carelessness; you will be assessed for further false alarms as directed by the Municipal Code Ordinance.

In an effort to reduce repeated false alarm response, the City of San Rafael enforces fines for false alarm responses. False alarm response fees are; no charge for 1st and 2nd false alarm response, \$50.00 for 3rd response, \$100.00 for 4th response, \$200.00 for 5th and subsequent responses. I have attached a copy of the information regarding these fees from the City of San Rafael Municipal Code.

Below is the list of false alarms that have occurred this year to date:

Incident #	Date	Time	Item	Status	Status Date	Charges
1060127154	01/27/2006	11:24 PM	False Alarm #1	Notified	02/22/2006	\$0.00
1060128121	01/28/2006	11:00 PM	False Alarm #2	Notified	02/22/2006	\$0.00
1060130009	01/30/2006	2:24 AM	Non-Billable Alarm	N/A		\$0.00
1060203006	02/03/2006	2:35 AM	False Alarm #3	Second Notice	06/06/2006	\$50.00
1060301058	03/01/2006	0:19 PM	False Alarm #4	Second Notice	06/06/2006	\$100.00
1060412014	04/12/2006	7:07 AM	False Alarm #5	Second Notice	10/17/2006	\$200.00
1060429012	04/29/2006	2:04 AM	False Alarm #6	Second Notice	10/17/2006	\$200.00
1060506013	05/06/2006	1:40 AM	Non-Billable Alarm	N/A		\$0.00
1060506018	05/06/2006	4:51 AM	False Alarm #7	Second Notice	10/17/2006	\$200.00
1060509003	05/09/2006	0:24 AM	False Alarm #8	Second Notice	10/17/2006	\$200.00
1060510009	05/10/2006	1:53 AM	False Alarm #9	Second Notice	10/17/2006	\$200.00
1060719007	07/19/2006	2:45 AM	False Alarm #10	Second Notice	10/17/2006	\$200.00

Exhibit "E"

RESOLUTION NO. 12269

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN
RAFAEL ESTABLISHING A NEW MASTER FEE SCHEDULE FOR
SERVICES PROVIDED BY THE VARIOUS CITY DEPARTMENTS AND
FOR LICENSING AND SERVICES BY THE ANIMAL SERVICES
AGENCY, AND RESCINDING RESOLUTION NO. 11871.**

WHEREAS, the City of San Rafael has conducted an analysis of its services, the costs reasonably borne, the beneficiaries of those services, and the revenues produced by those paying fees and charges for special services; and,

WHEREAS, the City wishes to comply with both the letter and the spirit of Article XIIB of the California Constitution and limit the growth of taxes; and

WHEREAS, the City desires to establish a policy of recovering the full costs reasonably borne of providing special services of a voluntary and/or limited nature, such that general taxes are not diverted from general services of a broad nature and thereby utilized to subsidize unfairly and inequitably such special services; and

WHEREAS, it is the intention of the City Council to develop a revised schedule of fees and charges based on the City's budgeted and projected costs reasonably borne; and

Section 2. Separate Fee for Each Service

All fees set by this resolution are for each identified service; additional fees shall be required for each additional service that is requested or required. Where fees are indicated on a per unit of measurement basis, the fee is for each identified unit or portion thereof within the indicated ranges of such units.

Definitions and implementation procedures regarding the fees set forth herein shall be as stipulated in Chapter 3.34 of the San Rafael Municipal Code.

Section 3. Basis of Charges

The Council finds and determines that the charges imposed by this resolution are necessary to cover the costs of providing the specified services, and that such charges do not exceed the reasonable costs of providing said services.

Section 4. Interpretations

The City department heads in consultation with the City Manager may interpret this Resolution. Should there be a conflict between two fees applicable to the same service, then the lower in dollar amount of the two shall be applied.

Section 5. Waiver of Permit Fees and Charges

The City Council may, on a case-by-case basis, grant a waiver of payment of all or a portion of the fees established by this resolution when it determines that it is in the public interest to do so.

Code Section 21080(b)(8), as the establishment and modification of charges by a public agency to meet operating expenses.

I, Jeanne M. Leoncini, City Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on the 4th day of June, 2007, by the following vote, to wit:

AYES:	COUNCILMEMBERS:	Heller, Miller, Phillips and Vice-Mayor Cohen
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Mayor Boro

Jeanne M. Leoncini, City Clerk
Jeanne M. Leoncini, City Clerk



**Alarm
Permits**

Year:
2008



View Alarm Permit

[Process Payment](#) [Billing Dispute](#) [Edit Permit](#) [Printing History](#) [Delete Permit](#)

Alarm Permit:

Permit# 3149 **Permit Date** 12/15/1987 **Permit Name** Circuit City Stores, Inc. **Permit Address** 330 Bellam Blvd

Alarm Owner:

Name Circuit City Stores, Inc. **First Name** Attn: STS Dept.

Active Y **Billable** Y **Paid** Y **Business** - **Alarm Type** - **Silent** - **Alarm Company** -

Billing Address 9954 Mayland Dr. **City** Richmond **State** VA **Po** 23

Permit Notes

2/5/07 Rec'd call from Danielle in corporate, gave correct billing address PCR353
2/13/07 Rec'd ck#0000384316 \$2500 for all 2004/2005 alarms PCR353
4/18/07 Rec'd ck#0000393907 \$150 false alarms PCR353
5/22/07 Rec'd ck#0000398224 \$400 false alarms PCR353

Owner Notes

RIMS Permit Info:

ALARMNUM	NAME	ADDRESS	APT	PHONE	ALARMCO	ALARMTEL	PERMITDA1
3149	CIRCUIT CITY STORES, INC.	330 BELLAM BLVD		453-7400	TRANSBAY SECURITY	930-6097	

Billing :

[Imported Incident List](#)

Item	Charge	Status	Status Date	INCNUM	RIMS	DATE	TIME	TYPE	D1	LOCATION	PLAC
Non-Billable Alarm	\$0.00	N/A		1080224026	Fetch	02/24/2008	05:29:44	459AA	FA	330 BELLAM BLVD	CIRC CITY STOR INC.
False Alarm #1	\$0.00	Notified	04/01/2008	1080331101	Fetch	03/31/2008	21:22:22	459AA	FA	330 BELLAM BLVD	CIRC CITY STOR INC.
False Alarm #2	\$0.00	Notified	07/08/2008	1080621012	Fetch	06/21/2008	02:16:36	459AA	FA	330 BELLAM BLVD	CIRC CITY STOR INC.
False Alarm #3	\$97.00	Billed	11/03/2008	1081101025	Fetch	11/01/2008	06:16:03	459AA	FA	330 BELLAM BLVD	CIRC CITY STOR INC.

Total Charges: \$97.00
Total Payments: \$0.00
Balance Due: \$97.00

Exhibit "G"

COPY

November 03, 2008

Circuit City Stores, Inc., Attn: STS Dept.
9954 Mayland Dr.
Richmond, VA 23233

Permit #3149
Circuit City Stores, Inc.
330 Bellam Blvd

Notice of False Alarm(s) for Permit #3149

This letter is to notify you that on the below listed dates your alarm was activated. The San Rafael Police officer(s) that responded determined these incidents were false alarms. For more information about false alarms, please read the attached information.

Alarm notifications account for nearly ten percent of all calls for police service. Fewer false alarms translate into more effective police service. Please remember that you, the alarm owner, are responsible for false alarms. Whether the alarms are caused by employee/family error, system malfunction, or carelessness; you will be assessed for further false alarms as directed by the Municipal Code Ordinance.

In an effort to reduce repeated false alarm response, the City of San Rafael enforces fines for false alarm responses. False alarm response fees are; no charge for 1st and 2nd false alarm response, \$97.00 for 3rd and subsequent responses. I have attached a copy of the information regarding these fees from the City of San Rafael Municipal Code.

Below is the list of false alarms that have occurred this year to date:

Incident #	Date	Time	Item	Status	Status Date	Charges
1080224026	02/24/2008	5:29 AM	Non-Billable Alarm	N/A		\$0.00
1080331101	03/31/2008	9:22 PM	False Alarm #1	Notified	04/01/2008	\$0.00
1080621012	06/21/2008	2:16 AM	False Alarm #2	Notified	07/08/2008	\$0.00
1081101025	11/01/2008	6:16 AM	False Alarm #3	New		\$97.00
Balance Due:						\$97.00

All fees are due upon receipt of this notice. If you have a balance due, please make your check out to "San Rafael Police Department" and please send to:

San Rafael Police Department
Alarm Permits
P.O. Box 151560
San Rafael, CA 94915-1560

Exhibit "H"

DECLARATION OF SERVICE BY MAIL

I am a citizen of the United States and a resident of the County of Marin, California; I am over the age of eighteen (18) years and not a party to the within action. My business address is 1400 Fifth Avenue, Post Office Box 151560, San Rafael, California 94915-1560.

On the date last written herein, I served a true copy of: **DECLARATION AND RESPONSE BY CLAIMANT CITY OF SAN RAFAEL TO LIQUIDATING TRUST'S THIRTY-FIRST OMNIBUS OBJECTION TO CLAIMS, WITH RESPECT TO CITY OF SAN RAFAEL CLAIM NO. 2000566701**, by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, on April 30, 2012, and deposited at the United States Post Office, at San Rafael, California, for Priority Mail Delivery, addressed as follows:

Jeffrey N. Pomerantz, Esq.
Andrew W. Caine, Esq.
Pachulski, Stang, Ziehl & Jones LLP
10100 Santa Monica Boulevard
Los Angeles, CA 90067-4100

Lynn L. Tavenner, Esq.
Paula S. Beran, Esq.
Tavenner & Beran, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219

I certify under penalty of perjury that the foregoing is true and correct. Executed this 30th day of April, 2012, at San Rafael, California.



Victor Gasser
Business License Examiner
City of San Rafael



CITY OF
San Rafael

MAYOR GARY O. PHILLIPS
COUNCILMEMBER DAMON CONNOLLY
COUNCILMEMBER BARBARA HELLER
COUNCILMEMBER MARC LEVINE
COUNCILMEMBER ANDREW CUYUGAN MCCULLOUGH

FINANCE DEPARTMENT
PHONE: 415-485-3058
FAX: 415-485-3100

April 30, 2012

Clerk of the Bankruptcy Court
United States Bankruptcy Court
701 East Broad Street - Room 4000
Richmond, Virginia 23219

RE: Circuit City Stores, Inc
Case No. 08-35653 (KRH)

Dear Clerk:

Enclosed is the 'Declaration and Response By Claimant City of San Rafael to Liquidating Trust's Thirty-First Omnibus Objection to Claims, with Respect to City of San Rafael Claim No. 2000566701'.

Thank you for your assistance.

Sincerely,

Victor Gasser

Victor Gasser
Business License Examiner

Encl.